

520.42961X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): A. SUTOH, et al.

Serial No.: 10/630,707

Filed:

July 31, 2003

For:

DATA CONTROL METHOD FOR DUPLICATING DATA

BETWEEN COMPUTER SYSTEMS

PETITION TO MAKE SPECIAL UNDER 37 CFR §1.102(MPEP §708.02)

MS Petition

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 November 10, 2005

Sir:

Applicants hereby petition the Commissioner to make the above-identified application special in accordance with 37 CFR §1.102(d). Pursuant to MPEP §708.02(VIII), Applicants state the following.

(A) This Petition is accompanied by the fee set forth in 37 CFR §1.17(h).

The Commissioner is hereby authorized to charge any additional payment due, or to credit any overpayment, to Deposit Account No. 50-1417.

(B) All claims are directed to a single invention.

If the Office determines that all claims are not directed to a single invention, Applicant will make an election without traverse as a prerequisite to the grant of special status in conformity with established telephone restriction practice.

11/14/2005 HALI11 00000003-10630707

01 FC:1464

130.00 OP

(C) A pre-examination search has been conducted.

The search was directed towards a storage system. In particular, the search was directed towards a data control method for duplicating data in a system, said system comprising: a primary system including a first computer system and a first storage system connected to said first computer system; and a secondary system including a second computer system and a second storage system connected to said second computer system; wherein at least said first storage system and said second storage system are connected to each other; said data control method comprising the steps of: into a specific storage device within said first storage system, registering (storing) a log based on which an update of data stored in said first storage system can be recreated, said data being produced as a result of processing performed by said first computer system; copying said log registered in said specific storage device within said first storage system to a specific storage device within said second storage system, said specific storage device within said second storage system being set to duplicate said log; updating said data stored in said first storage system, said data being produced as a result of said processing performed by said first computer system; notifying said second computer system of a change in data stored in said specific storage device within said second storage system, said change being made as a result of performing said copying step; reading said change in said data stored in said specific storage device within said second storage system, this step being performed by said second computer system; and updating a duplicate of said data (stored in said first storage system) based on a

log read by said second computer system, said duplicate being stored in said second storage system.

The search of the above features was conducted in the following areas:

| <u>Class</u> | <u>Subclasses</u> | | | |
|--------------|--------------------|--|--|--|
| 707 | 100, 200, 203, 204 | | | |
| 711 | 141 | | | |

Additionally, a computer database search was conducted on the USPTO systems EAST and WEST.

(D) The following is a list of the references deemed most closely related to the subject matter encompassed by the claims:

| U.S. Patent Application Publication No. | Inventor(s) |
|---|----------------|
| 2003/0126133 A1 | Dattatri et al |
| 2003/0220935 A1 | Vivian et al |
| 2004/0098425 A1 | Wiss et al |

A copy of each of these references (as well as other references uncovered during the search) is enclosed in an accompanying IDS.

(E) It is submitted that the present invention is patentable over the references for the following reasons.

It is submitted that the cited references, whether taken individually or in combination with each other, fail to teach or suggest the invention as claimed. In particular, the cited references, at a minimum, fail to teach or suggest as recited in the claims:

a first feature of the present invention as recited in independent claim 1 of means for notifying an external device of a change in data stored in a specific one of said plurality of storage devices, said external device being connected to said controller:

a second feature of the present invention as recited in independent claim 2 of means for notifying an external device of a change in a state of a specific one of said plurality of storage devices, said external device being connected to said controller:

a third feature of the present invention as recited in independent claim 5 of an interface for receiving a notification indicating that data stored in a specific storage device within said storage system has been changed, said storage system being connected to said interface through said connecting device;

a fourth feature of the present invention as recited in independent claim 7 of an interface for said storage system receiving a notification indicating that a state of a controller within said storage system has been changed, said storage system being connected to said interface through said connecting device;

a fifth feature of the present invention as recited in independent claim 8 of notifying said second computer system of a change in data stored in said specific storage device within said second storage system, said change being made as a result of performing said copying step; and

a sixth feature of the present invention as recited in independent claim 18 of detecting a change in data stored in said specific storage device within said second storage system, said change being made as a result of performing said

copying step, this detecting step being performed by said second computer system.

To the extent applicable to the present Petition, Applicants submit that although the distinguishing feature(s) may represent a substantial portion of the claimed invention, the claimed invention including said feature(s) and their inter-operation provides a novel storage system and system and method related to or implemented in or by said storage system not taught or suggested by any of the references of record.

Further, the cited references fail to teach or suggest the above noted features of the present invention when taken in combination with other limitations recited in the claims.

The references considered most closely related to the claimed invention are briefly discussed below:

Dattatri (U.S. Patent Application Publication No. 2003/0126133) provides for database replication using application program event playback. Disclosed are database site 112 including database server 120 and data store 124, and another database site (not labeled) including database server 134 and secondary data store 136, where database events are stored in an event log 132, and secondary data store 136 is updated using the event log 132 (see figure 1; paragraphs 20-22).

However, Dattatri does not teach or suggest the features of the present invention, including a data control method for registering (storing) a log, based on which an update of data stored in a first storage system can be recreated, into a

specific storage device within the first storage system, said data being produced as a result of processing performed by said first computer system; copying the log registered in the specific storage device within the first storage system to a specific storage device within the second storage device, wherein, based on the log, an update of data stored in a first storage system can be recreated; and updating, in the second storage system, a duplicate of the data stored in the first storage system based on a log read by the second computer system, wherein, based on the log, an update of data stored in a first storage system can be recreated.

More particularly, Dattatri at a minimum does not teach or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 2, the above described third feature of the present invention as recited in independent claim 5, the above described fourth feature of the present invention as recited in independent claim 7, the above described fifth feature of the present invention as recited in independent claim 8, and the above described sixth feature of the present invention as recited in independent claim 18, and further does not teach or suggest these features of the present invention in combination with the other limitations recited in each of the independent claims.

Vivian (U.S. Patent Application Publication No. 2003/0220935) provides for database replication using application program event playback. Disclosed are source site 101 including primary (operational) database 103, and target site 113

including file server 111 and logical standby database 115, where database events are stored in an event log 132, and logical standby database 115 is updated using the event log 132 (see figure 1; paragraphs 21-23).

However, Vivian does not teach or suggest the features of the present invention, including a data control method for registering (storing) a log, based on which an update of data stored in a first storage system can be recreated, into a specific storage device within the first storage system, said data being produced as a result of processing performed by said first computer system; copying the log registered in the specific storage device within the first storage system to a specific storage device within the second storage device, wherein, based on the log, an update of data stored in a first storage system can be recreated; and updating, in the second storage system, a duplicate of the data stored in the first storage system based on a log read by the second computer system, wherein, based on the log, an update of data stored in a first storage system can be recreated.

More particularly, Vivian at a minimum does not teach or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 2, the above described third feature of the present invention as recited in independent claim 5, the above described fourth feature of the present invention as recited in independent claim 7, the above described fifth feature of the present invention as recited in independent claim 8, and the above described sixth feature of the present invention as recited in independent claim 8.

18, and further does not teach or suggest these features of the present invention in combination with the other limitations recited in each of the independent claims.

Wiss (U.S. Patent Application Publication No. 2004/0098425) provides for a database system providing improved methods for data replication. Disclosed is primary server 310, where a primary log 313 is transmitted to standby server 330 by file mirroring module 315, standby server 330 being connected to primary server 310 via network 320 (see figure 3; and paragraph 61).

However, Wiss does not teach or suggest the features of the present invention, including a data control method for registering (storing) a log, based on which an update of data stored in a first storage system can be recreated, into a specific storage device within the first storage system, said data being produced as a result of processing performed by said first computer system; copying the log registered in the specific storage device within the first storage system to a specific storage device within the second storage device, wherein, based on the log, an update of data stored in a first storage system can be recreated; and updating, in the second storage system, a duplicate of the data stored in the first storage system based on a log read by the second computer system, wherein, based on the log, an update of data stored in a first storage system can be recreated.

More particularly, Wiss at a minimum does not teach or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in

independent claim 2, the above described third feature of the present invention as recited in independent claim 5, the above described fourth feature of the present invention as recited in independent claim 7, the above described fifth feature of the present invention as recited in independent claim 8, and the above described sixth feature of the present invention as recited in independent claim 18, and further does not teach or suggest these features of the present invention in combination with the other limitations recited in each of the independent claims.

Therefore, since the cited references fail to teach or the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 2, the above described third feature of the present invention as recited in independent claim 5, the above described fourth feature of the present invention as recited in independent claim 7, the above described fifth feature of the present invention as recited in independent claim 8, and the above described sixth feature of the present invention as recited in independent claim 18, and further does not teach or suggest these features of the present invention in combination with the other limitations recited in each of the independent claims, it is submitted that the above mentioned claims are patentable over the cited references whether said references are taken individually or in combination with each other.

(F) Conclusion

Applicant has conducted what it believes to be a reasonable search, but makes no representation that "better" or more relevant prior art does not exist. The United States Patent and Trademark Office is urged to conduct its own complete search of the prior art, and to thoroughly examine this application in view of the prior art cited herein and any other prior art that the United States Patent and Trademark Office may locate in its own independent search. Further, while Applicant has identified in good faith certain portions of each of the references listed herein in order to provide the requisite detailed discussion of how the claimed subject matter is patentable over the references, the United States Patent and Trademark Office should not limit its review to the identified portions but rather, is urged to review and consider the entirety of each reference, and not to rely solely on the identified portions when examining this application.

In view of the foregoing, Applicant requests that this Petition to Make Special be granted and that the application undergo the accelerated examination procedure set forth in MPEP 708.02 VIII.

(G) Fee (37 C.F.R. 1.17(i))

The fee required by 37 C.F.R. § 1.17(i) is to be paid by:

- [X] the Credit Card Payment Form (attached) for \$130.00.
- [] charging Account _____ the sum of \$130.00.

A duplicate of this petition is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (520.42961X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Carl I. Brundidge Reg. No. 29,621

CIB/jdc (703) 684-1120

PTO/SB/30 (11-04)
Approved for use through 07/31/2007. OMB 0651-0631
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

| PETITION FEE Index 37 CFR 1.17(f), (g) & (h) TRANSMITTAL Filing Date July 31, 2003 First Named Inventor At Unit Examiner Name Attomy Docket Number Standard Number Attomy Docket Number Standard Number Standard Number Standard Number Standard Number Standard Number Attomy Docket Number Standard Number Attomy Docket Number Standard Number Attomy Docket Number Standard Number Attorner Number Attorner Number Attorner Number Attorner Number Attorner Number Attorner Number Standard Number Standar | Under the Paperv | vork Reduction Act of 1995, no | persons are required to respon | nd to a collection of | f information unless it | t contains a valid OMB control number. | | |
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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.